



Limited Duty and the Disability Evaluation System



TOPICS

- Definitions
- The Disability Evaluation System
 - Legacy vs. IDES
- Compensation
- Command Responsibilities
- Noteworthy Items



MMSR-4

- MMSR-4 is the Disability Section, Separation and Retirement Branch.
- Primary Responsibilities:
 - Separate and Retire for Physical Disability
 - Administer the Temporary Disability Retired List (TDRL)
 - Manage Temporary Limited Duty (TLD) and Permanent Limited Duty (PLD)



DEFINITIONS

- Light Duty - a medical condition that removes a Marine from full duty for short periods.
- Temporary Limited Duty (TLD) - Commonly known as Limited Duty; based on doctor's recommendation that a Marine's condition will improve by the end of a specified period.
- Permanent Limited Duty (PLD) - Designed to facilitate transition or to help reach retirement eligibility. For Marines that can contribute to the unit's mission accomplishment.



DEFINITIONS

- Expanded Permanent Limited Duty (EPLD) - Designed for combat wounded/injured Marines, allows them to stay on active duty until longevity retirement or for up to 30 years.
- Physical Evaluation Board
 - Acts on behalf of the Secretary of the Navy.
 - Makes determinations on fitness to continue naval service.
- Medical Evaluation Board (MEB) – a board of 2 or more doctors that confirms a duty limitation.



DEFINITIONS

- Medical Evaluation Board Report – there are two types:
 - Abbreviated Medical Evaluation Board Report – AMEB(R) – NAVMED 6100/5: A summary of the Marine's medical condition, limitations, and expected return to duty date.
 - Medical Evaluation Board Report – MEB(R)
 - A detailed clinical report of a Marine's medical conditions.
 - Forwarded to the PEB for a disability determination.



DEFINITIONS

- Disposition – A PEB directed action taken by HQMC affecting a Marine's status within the Marine Corps, specifically:
 - Fit to Continue Naval Service – results in a return to duty, separation under other provisions of law, or removal from the Temporary Disability Retired List (TDRL).
 - Unfit to Continue Naval Service – results in discharge with or without severance pay, transfer to the TDRL, continuance on the TDRL, or transfer to the Permanent Disability Retired List (PDRL).
- Presumption of Fitness – important for those



Light Duty

- A Marine who is sick/injured reports to the local MTF for screening. The physician has 3 options:
 - Keep the Marine on full duty.
 - Recommend assignment to light duty for up to 2 periods of (30) days.
 - Initiate medical board proceedings.

- At the completion of maximum light duty, the physician has 2 options:
 - Return the Marine to full duty.
 - Initiate medical board proceedings (At this point an additional 30 days of light duty are permitted in order to process the medical board).



Temporary Limited Duty

- A MEB may:
 - Recommend TLD.
 - The MTF can approve two periods of TLD for enlisted Marines.
 - MEB must be forwarded to MMSR-4 for review of all 3rd and subsequent TLD requests or for any TLD request that extends beyond a Marine's EAS.
 - All Officer MEBs must be forwarded to MMSR-4 for approval.
 - Be forwarded directly to the PEB for determination of fitness.
 - Return the Marine to full duty.



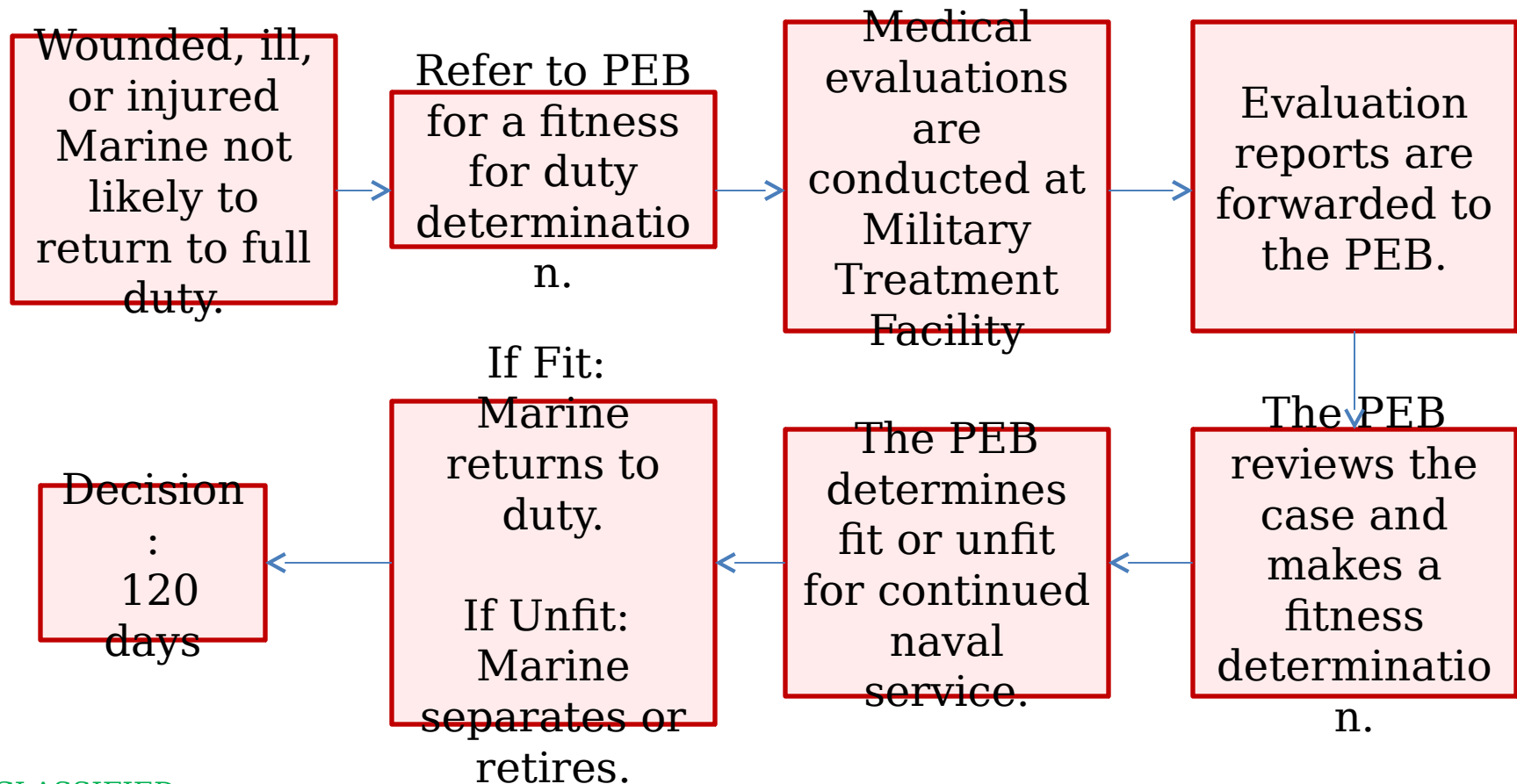
The Disability Evaluation System (DES)

➤ Legacy

- Prior to 2009 and for certain categories today.
- All evaluations are performed at Navy/DoD MTF.
- PEB determines fitness and percentage of disability.



Legacy Disability Evaluation System



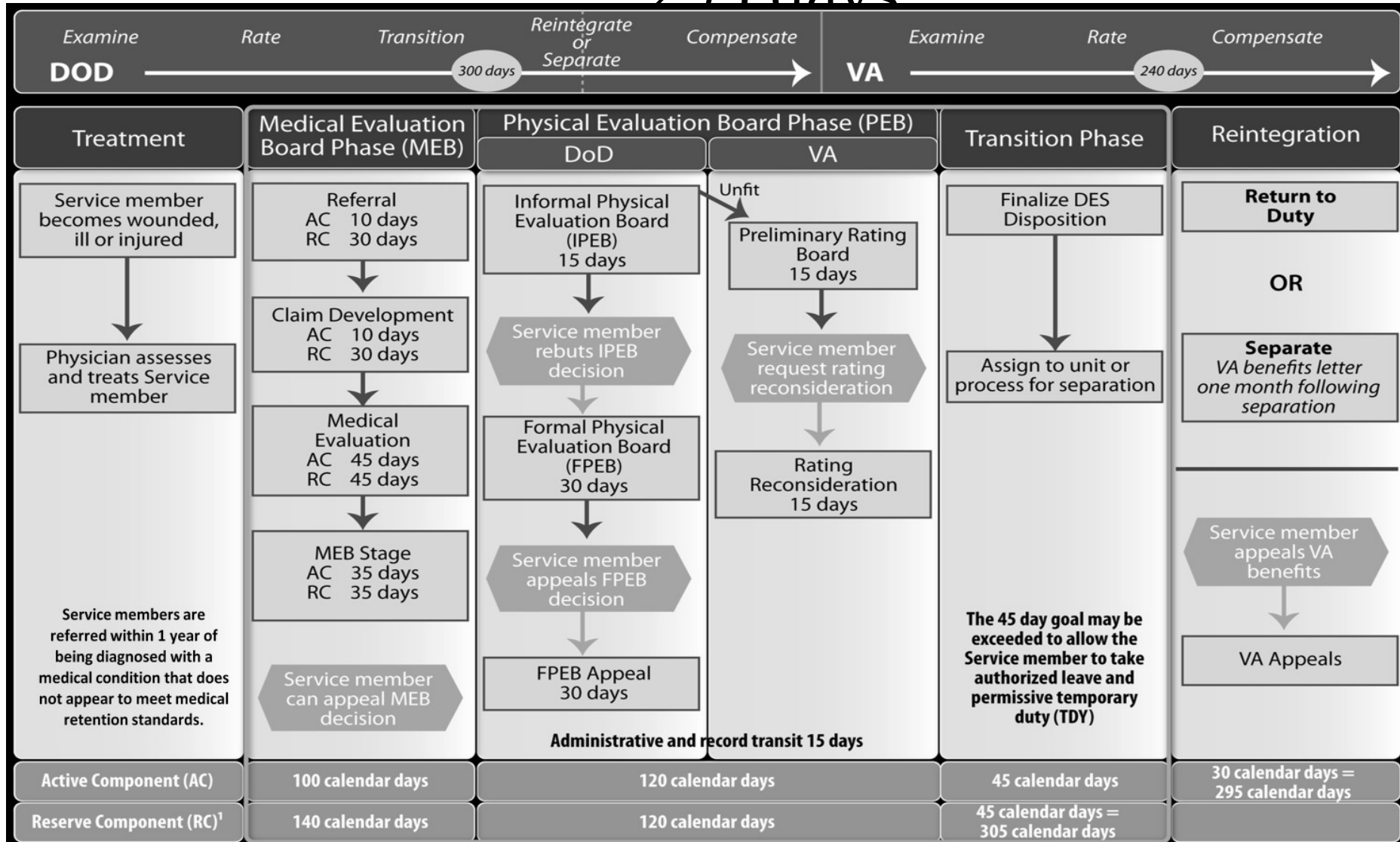


Integrated Disability Evaluation System (IDES)

- The Integrated Disability Evaluation System (IDES) - NDAA FY08.
 - Streamline the DES; seamless transition of DoD and VA pay and benefits upon separation or retirement.
 - Joint DoD/VA process.
 - Medical exams by the VA.
 - DoD decides which conditions are military unfitting.
 - VA decides disability rating percentage.
 - Targeted completion time of 295 days; currently averaging over 400 days.



Integrated Disability Evaluation System - 295 days





Disability Determinations

➤ Possible Outcomes

- Fit for continued naval service.
- Unfit for continued naval service
 - Discharge: 0-20% disability
 - PDRL: $\geq 30\%$ disability - condition stable
 - TDRL: $\geq 30\%$ disability - condition unstable



Differences Between DoD and

VA

- DoD – maintain a fit fighting force
 - Authority: Title 10 USC Chapter 61
 - Determines a service member's medical fitness for military duty.
 - Compensates for a loss of future military earnings (retirement).
 - Only rates military unfitting conditions.
 - Ratings are permanent upon transfer to the PDRL or separation.



Differences Between DoD and VA

- Department of Veterans Affairs – compensate for service connected conditions that may affect civilian employment.
 - Authority: Title 38 Code of Federal Regulations
 - Determines service connection of a disability.
 - Compensates for the loss of future civilian earning capacity.
 - Rates all service connected injuries and illnesses.
 - Ratings may change over time.
- Not bound by DoD decisions.



Compensation

- Severance pay:
 - $2 \times \text{Base Pay} \times \text{Years}$
 - Maximum of 19 years
 - Minimum of 3 years (6 years if armed conflict)
- TDRL
 - Minimum 50% of base pay (high 36 avg) to a maximum of 75%, regardless of disability rating percentage.
- PDRL
 - Compensation is based on the actual disability rating percentage.
 - Max pay = 75% of high 36 average



Command Responsibilities

- Assign a Limited Duty Coordinator
 - SSgt or higher.
 - Coordinate with the Marine, command, hospital, and IPAC.
- Ensure correct duty status reflected in MCTFS.
- Notify CMC (MMSR-4) of a concurrent disability and punitive or administrative separation action.
- Stay engaged with the MTF on completing Med Boards in a timely manner.
- Forward a Commander's Non-Medical Assessment (NMA) within 5 days of notification from MTF.



Noteworthy Items

- MARADMIN 636/09 – Summarizes Limited Duty and the Legacy DES.
- MARADMIN 328/10 – Prior to approving involuntary administrative separation:
 - Marine must have a medical evaluation.
 - Provide the separation authority with any information that may affect the Marine's behavior (PTSD/TBI).
- Presumption of Fitness
 - Within 12 months of mandatory retirement or an approved retirement date.
 - Condition did not preclude reaching 20+ years – thus "PRESUMED FIT".
 - Can still receive disability compensation from the VA



Noteworthy Items

- MARADMIN 248/11
 - Prohibits involuntary separation for the same condition for which the PEB finds a Marine fit.
 - Retained in their current billet.
 - Reassigned.
 - Re-evaluated for disability separation by ASN (M&RA)
- Overseas IDES – Marines return to CONUS for IDES processing.
- Recruits – process through the Legacy DES.



Noteworthy Items

- MCTFS Changes
 - Strength Category Code “E” (Case referred to the PEB)
 - New Duty Limitation Codes
 - X: Expired Temporary Limited Duty
 - V: Case referred to the PEB
 - Y: Case accepted by the PEB
- Home Awaiting Orders
 - Will no longer be authorized for Marines who are being separated or retired through the physical disability evaluation system.



References

- Chapter 61, Title 10, United States Code
- DoD Instruction 1332.38, Physical Disability Evaluation Manual
- SECNAVINST 1850.4E, Disability Evaluation Manual
- MCO P1900.16F w/ Ch 2: Marine Corps Separation and Retirement Manual (MARCORSEPMAN), Chapter 8



QUESTIONS?